

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1714 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- PIPRAKOTHI District- East Champaran

BIRENDRA MAHTO Son of Ranjeet Mahto Resident of Village- Chakardhe,
P.S- Pipra Kothi, Distt- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 04.06.2020 in connection with Pipra Kothi P.S. Case No. 152/2020 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code.

As per the prosecution case, the elder sister of the informant was married with co-accused Surendra Mahto one year prior to the occurrence. It is further alleged that on 24.05.2020, informant came to know from the villagers of the petitioner that all the accused persons have assaulted his sister and killed her by strangulation. It is further alleged that such occurrence took place on account of non-fulfillment of demand of dowry. Petitioner is elder brother of the husband of the deceased.



It is submitted on behalf of the petitioner that there is general and omnibus allegation against this petitioner and no specific allegation has been levelled against him. It is further submitted that petitioner is living separately from the family of the deceased and has nothing to do with the family affairs of the deceased. It next is submitted that after 1 ½ months, father of this petitioner has filed a case against the present informant and other persons on 10.07.2020 under Section 302/34 for murder of his son i.e., brother of the petitioner and husband of the deceased. Chargesheet has already been submitted in this case. Petitioner is in custody since 04.06.2020 having no criminal antecedent.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned CJM, Motihari, East Champaran, in connection with Pipra Kothi P.S. Case No. 152/2020, subject to following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by



the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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